

## **ORDINANCE NUMBER 23-03**

### **AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING THE AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE**

This is an Ordinance (the “Ordinance”) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Unified Development Ordinance”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended,

WHEREAS, the City of Westfield, Indiana (the “City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) enacted Ordinance No. 18-04 (the “Wheeler Landing PUD Ordinance”) on September 24, 2018; and,

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Petition No. 2305-PUD-05), requesting an amendment to the Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “Real Estate”); and,

WHEREAS, the Commission forwarded Petition No. 2305-PUD-05 to the Common Council with a favorable recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2023; and,  
WHEREAS, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate.
- 1.2 All other provisions of the Wheeler Landing PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 3. Landscape Plan.** The Landscape Plan, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Landscape Plan.

**Section 4. Development Standards.**

Section 8.3 under Development Standards of the Wheeler Landing PUS Ordinance shall be amended, for the Real Estate, to read as follows:

- 4.1 Article 6.8 Landscape Standards: Shall apply, except as otherwise modified below:
  - A. Article 6.8.K Minimum Lot Landscaping Requirements shall be reduced to 77% of the required shade trees and 50% of the required ornamental or evergreen trees.
  - B. Article 6.8.M.1 External Street Frontage Landscaping Requirements shall apply. However, plantings along the perimeter streets shall be counted towards meeting this requirement, and the required berm along Grand Park Boulevard is waived.
  - C. Article 6.8.O.1.b.ii shall apply except that the minimum area of a parking island may be reduced from 120 square feet to 55 square feet.

**ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

**WESTFIELD CITY COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
James Edwards

\_\_\_\_\_  
James Edwards

\_\_\_\_\_  
James Edwards

\_\_\_\_\_  
Scott Frei

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Scott Frei

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Scott Frei

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Jake Gilbert

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Jake Gilbert

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Jake Gilbert

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Mike Johns

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Mike Johns

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Mike Johns

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Troy Patton

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Troy Patton

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Scott Willis

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Scott Willis

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Scott Willis

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 23-03 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 23-03  
this \_\_\_\_ day of \_\_\_\_\_, 2023.

I hereby VETO ORDINANCE 23-03  
this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

*This document prepared by:  
Eric Douthit, Attorney-At Law, 2 North 9<sup>th</sup> Street, Noblesville, IN 46060*

*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Eric Douthit.*

## **SCHEDULE OF EXHIBITS**

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Landscape Plan

## **EXHIBIT A**

### **REAL ESTATE**

*Part of Block B per the Wheeler Landing, Section Two, Secondary plat which is recorded as Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:*

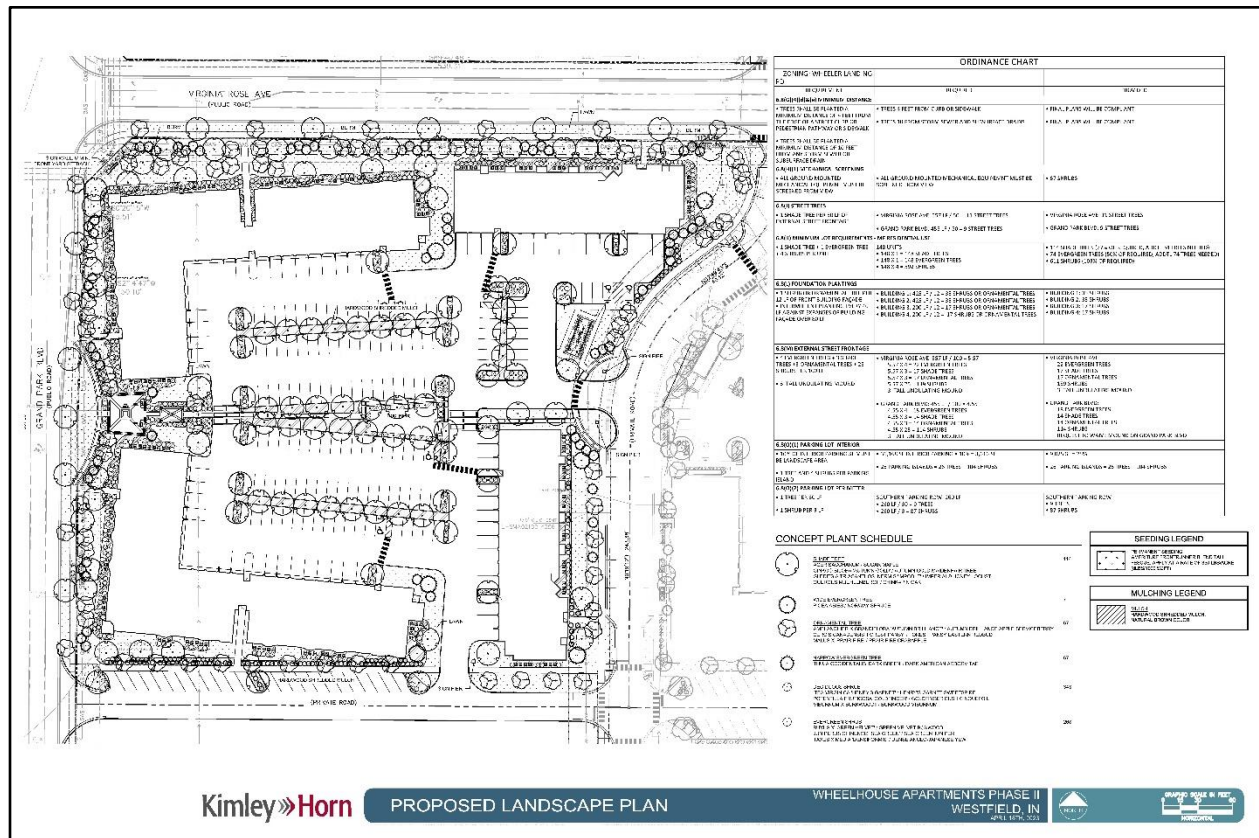
*BEGINNING at a point at the Northwest corner of said plat, said point is on the South right of way line of Virginia Rose Avenue, thence along the North line of said Block B, South 89 degrees 40 minutes 48 seconds East (basis of bearing is said plat) a distance of 535.31 feet; thence South 00 degrees 19 minutes 38 seconds West a distance of 23.42 feet; thence along a curve to the right for 91.63 feet with a radius of 100.00 feet whose chord bears South 26 degrees 34 minutes 40 seconds West a distance of 88.46 feet; thence South 52 degrees 49 minutes 43 seconds West a distance of 40.12 feet; thence along a curve to the left for 137.47 feet with a radius of 150.00 feet whose chord bears South 26 degrees 34 minutes 27 seconds West for a distance of 132.71 feet; thence South 00 degrees 19 minutes 12 seconds West a distance of 243.38 feet; thence North 89 degrees 40 minutes 45 seconds West a distance of 477.79 feet to the East right of way line of Grand Park Boulevard; thence the following four courses along said right of way: (1.) thence North 00 degrees 20 minutes 16 seconds East a distance of 254.06 feet; (2.) thence North 02 degrees 14 minutes 47 seconds East a distance of 150.10 feet; (3.) thence North 00 degrees 20 minutes 15 seconds East a distance of 45.51 feet; (4.) thence North 45 degrees 19 minutes 43 seconds East a distance of 56.58 feet to the POINT OF BEGINNING of this description, containing 5.71 acres, more or less.*

## **EXHIBIT B**

### **CONCEPT PLAN**



# EXHIBIT C LANDSCAPE PLAN



A larger and clearer landscape plan can be obtained upon request from the City of Westfield's Community Development Department.